

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN NOLAN

Plaintiff,

vs.

BLUE MOUNTAIN & NORTHERN  
RAILROAD CO.

Defendant.

CIVIL ACTION

NO. 02-2805

**ORDER**

AND NOW, this \_\_\_\_\_ day of January, 2005, upon consideration of Plaintiff's Motion to Compel (Doc. 26), Defendant's Response thereto (Doc. 29) and the teleconference with the parties held on January 13, 2005, **IT IS HEREBY ORDERED and DECREED** that Plaintiff's Motion to Compel is **GRANTED IN PART** and **DENIED IN PART**. This Court finding:

1. Plaintiff's Document Request No. 17 pertaining to Defendant's insubordination policy is **DENIED**.
2. Plaintiff's Document Request No. 41 pertaining to the work schedules of specific individuals is **DENIED IN PART**. Defendant will make the work schedules and time cards available to Plaintiff. Plaintiff will have the burden of sorting documents.
3. Plaintiff's request for more specific information relating to Interrogatories Numbers 9, 10, 21, 22, 23, 24, is **GRANTED IN PART**.
  - a. Interrogatory Number 9 is limited to the 1997 -2000 time period.
  - b. Interrogatory Number 10 is limited to the 1997-2000 time period, if the parties are unable to stipulate to the fact that the Defendant is subject to the ADEA.
  - c. Interrogatory Number 21 is **GRANTED** as requested by Plaintiff.
  - d. Interrogatory Number 22, regarding basis for termination of employees, if employee was terminated prior to 1997, Defendant is not required to provide further explanation for the termination; however, if termination occurred between 1997 - 2000, Defendant must provide the basis for the termination.

- e. Interrogatory Number 23 is limited to the 1997-2000 time period.
  - f. Interrogatory Number 24 is limited to the Defendant's employees who were responsible for the actual data entry and creation of the documents provided to Plaintiff.
4. **IT IS FURTHER ORDERED** that oral arguments for the outstanding Summary Judgment motions will be held on January 27<sup>th</sup>, 2005 at 11:00am in Courtroom 9B.

**BY THE COURT:**

---

**Hon. Petrese B. Tucker, U.S.D.J.**